

REMARKS

In the Claims

Applicant amended claim 1 to recite an actuation unit for actuating the at least one delivery unit of each respective interface unit, “the actuation unit comprising an advance mechanism configured to automatically or semi-automatically advance each interface unit in turn to a position with the actuation unit, whereby the at least one delivery unit is in a position to be actuated to deliver substance to the nozzle.”

Applicant amended claims 11, 15, 18-21 and 24 to correct antecedent basis and language.

Applicant amended claim 86 to recite an actuation unit for actuating the at least one delivery unit of the interface unit “in response to exhalation by the subject into the mouthpiece.”

Applicant amended claim 89 to recite an actuation unit for actuating the delivery units of the interface unit “in response to exhalation by the subject.”

Applicant introduced new claims 91-122, which are based upon allowable claims 6, 11, 17-23, and 25.

Claim Rejections – 35 U.S.C. § 102

Claims 1-5, 7, 9, and 12-16 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by International Publication No. WO 00/58180 by Eason et al. (“Eason”).

Eason does not anticipate Applicant's amended claim 1 because Eason does not disclose an actuation unit comprising an advance mechanism configured to automatically or semi-automatically advance each interface unit in turn to a position with the actuation unit, whereby the at least one delivery unit is in a position to be actuated to deliver substance to the nozzle. The Examiner alleged that Eason's element **29** discloses Applicant's claimed actuation unit. (See Office Action mailed 12/11/2007 at p. 2.) However, Eason's element **29** is a button, which can be depressed to activate a pump. (See Eason at pp. 10 and 13.) Eason does not disclose an advance mechanism configured to automatically or semi-automatically advance each interface unit in turn to a position with the actuation unit.

Accordingly, Applicant respectfully requests that the rejection of claims 1-5, 7, 9, and 12-16 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Claim Rejections – 35 U.S.C. § 103

Eason and Riggs

Claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Eason as applied to claim 1 above, and further in view of U.S. Patent No. 5,355,872 to Riggs et al. (“Riggs”).

Eason and Riggs do not make Applicant’s amended claim 1 obvious because Eason and Riggs do not disclose every claimed limitation. As discussed above, Eason does not disclose an actuation unit comprising an advance mechanism configured to automatically or semi-automatically advance each interface unit in turn to a position with the actuation unit, whereby the at least one delivery unit is in a position to be actuated to deliver substance to the nozzle. Furthermore, Riggs does not cure the deficiency of Eason because Riggs also does not disclose an actuation unit comprising an advance mechanism configured to automatically or semi-automatically advance each interface unit in turn to a position with the actuation unit, whereby the at least one delivery unit is in a position to be actuated to deliver substance to the nozzle. In fact, the Examiner only cites Riggs as allegedly disclosing the equivalence of liquid and powder medicament for use in nebulizers. (See Office Action mailed 12/11/2007 at p. 4.)

Applicant respectfully submits that claim 8 is allowable as depending upon allowable base claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 8 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Eason and Ohki

Claim 24 and 89 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Eason as applied to claim 1, and further in view of U.S. Patent No. 5,899,202 to Ohki et al. (“Ohki”).

Claim 24

Eason and Ohki do not make Applicant’s amended claim 1 obvious because Eason and Ohki do not disclose every claimed limitation. As discussed above, Eason does not disclose an actuation unit comprising an advance mechanism configured to automatically or semi-automatically advance each interface unit in turn to a position with the actuation unit, whereby the at least one delivery unit is in a position to be actuated to deliver substance to the nozzle. Furthermore, Ohki does not cure the deficiency of Eason because Ohki also does not disclose an

actuation unit comprising an advance mechanism configured to automatically or semi-automatically advance each interface unit in turn to a position with the actuation unit, whereby the at least one delivery unit is in a position to be actuated to deliver substance to the nozzle. In fact, the Examiner only cites Ohki as disclosing two nozzles **27**. (See Office Action mailed 12/11/2007 at p. 4.)

Accordingly, Applicant respectfully requests that the rejection of claim 24 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claim 89

Eason and Ohki do not make Applicant's amended claim 89 obvious because neither Eason nor Ohki disclose the limitation of an actuation unit for actuating the delivery units of the interface unit in response to exhalation by the subject. The Examiner alleged that Eason's element **29** discloses Applicant's claimed actuation unit. (See Office Action mailed 12/11/2007 at p. 2.) However, as discussed above, Eason's element **29** is a button, which can be depressed to activate a pump. (See Eason at pp. 10 and 13.) Eason does not disclose that the button **29** actuates the delivery units of the interface unit in response to exhalation by the subject. The Examiner cites Ohki as disclosing two nozzles **27**. (See Office Action mailed 12/11/2007 at p. 4.) However, Ohki teaches actuation by inserting into nostrils and thus pressing and squeezing a pump. (See Ohki at col. 10, ll. 28-48.) Ohki does not disclose anything regarding exhalation.

Accordingly, Applicant respectfully requests that the rejection of claim 89 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Curti and Patton

Claims 86-90 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Patent Application Pub. No. US 2006/0174886 by Curti et al. ("Curti") in view of U.S. Patent No. 6,681,767 to Patton et al. ("Patton").

Curti and Patton do not make Applicant's amended claims 86 or 89 obvious because neither Curti nor Patton disclose an actuation unit for actuating the at least one delivery unit of the interface unit in response to exhalation by the subject into the mouthpiece.

The Examiner cited Patton as allegedly disclosing a device for delivering a supply to a user comprising a substance supply with a controller for actuating a supply to the dispersing device. (See Office Action mailed 12/11/2007 at p. 5.) However, Patton discloses only an

inhalation device, for delivering aerosolized medicaments for inhalation by a subject. (See Patton at col. 1, ll. 16-18.) Because Patton discloses only an inhalation device, and because the act of exhalation precludes inhalation, Patton's device cannot be actuated by an actuation unit in response to exhalation by the subject.

Accordingly, Applicant respectfully requests that the rejection of claims 86-90 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Allowable Subject Matter

New claims 91-122 capture the subject matter of claims 6, 10, 11, 17-23 and 25, which the Examiner deemed allowable if rewritten in independent form. Claim 91 corresponds to former claim 6. Claim 92 corresponds to former claim 10. Claim 93 corresponds to former claim 11. Claims 94-100 correspond to former claims 17-23. Claim 101 corresponds to former claim 25. The remaining new claims 102-122 add dependent limitations, support for which is found in the original claims and specification.

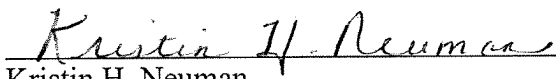
Applicant respectfully submits that claims 91-122 are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that claims 1-25 and 86-122 are in condition for allowance and requests early favorable action. The Examiner is welcome to contact Applicant's Attorney at the number below with any questions or concerns.

Respectfully submitted,

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